

1AP7 Rec'd PCT/PTO 28 AUG 2006

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

8/23/2006
Date

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cheryl J. KOJIMA

Fengxing DU

Michael D. GROSZ

John C. BYATT

Serial No.: 10/566,941

Filed: February 2, 2006

For: USE OF SINGLE NUCLEOTIDE

POLYMORPHISM IN THE CODING

REGION OF THE PORCINE

LEPTIN RECEPTOR GENE TO

ENHANCE PORK PRODUCTION

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Confirmation No.: 9166

Group Art Unit:

Examiner:

Atty. Dkt. No.: 11916.0058.PCUS02

§371 Application of International Application
PCT/US2004/023050, filed 16 July 2004

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Requirements under 35 USC 371, dated July 25, 2006, there are enclosed herewith:

- (a) A copy of the Notice to File Missing Requirements;

- (b) Two copies of Inventor Declarations, one executed by Fengxing Du and Michael D. Grosz, the other executed by Cheryl J. Kojima and John C. Byatt;
- (c) A copy (front and back) of the postcard returned by the Office in receipt of application papers on February 2, 2006; and
- (d) A postcard.

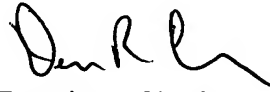
The Notification states that only two of the four inventors signed the Declaration filed with the application, and requires the filing of a Declaration executed by the other two inventors, along with payment of a surcharge. It is respectfully requested that this Notification be vacated for the following reason. Please note that the enclosed copy of the postcard, which was stamped and returned by the Office in receipt of application documents, lists that two (2) Declarations were filed on February 2, 2006. Further, Applicant's records indicate that two Declarations were indeed filed on that date, collectively having been executed by all four inventors.

In the interest of quickly resolving this matter and to place the current application in condition for examination on the merits, copies of both Declarations as filed on February 2, 2006 are herewith enclosed. However, it is kindly requested that the \$130.00 surcharge be waived in view of the above request to vacate the Notification.

It is believed that no charges are due at this time. However, should the \$130.00 surcharge be deemed appropriate despite the above remarks, or any other fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 08-3038/11916.0058.PCUS02.

Please date-stamp and return the accompanying postcard to evidence receipt of these documents. Should there be any questions regarding this Response, please contact the undersigned agent.

Respectfully submitted,



Dennis R. Chesire
Reg. No. 57452
Agent for Assignee
MONSANTO TECHNOLOGY LLC

CUSTOMER No. 45607
HOWREY LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002
(713) 787-1400

Date: August 23, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,941	Cheryl J. Kojima	119160058PCUS02

INTERNATIONAL APPLICATION NO.

PCT/US04/23050

45607
 HOWREY LLP
 C/O IP DOCKETING DEPARTMENT
 2941 FAIRVIEW PARK DRIVE SUITE 200
 FALLS CHURCH, VA 22042

I.A. FILING DATE	PRIORITY DATE
07/16/2004	08/07/2003

CONFIRMATION NO. 9166

371 FORMALITIES LETTER



OC000000019742286

Date Mailed: 07/25/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/02/2006
- Copy of the International Search Report filed on 02/02/2006
- Preliminary Amendments filed on 02/02/2006
- Information Disclosure Statements filed on 02/02/2006
- Biochemical Sequence Diskette filed on 02/02/2006
- Oath or Declaration filed on 02/02/2006
- Biochemical Sequence Listing filed on 02/02/2006
- U.S. Basic National Fees filed on 02/02/2006
- Assignment filed on 02/02/2006
- Priority Documents filed on 02/02/2006
- Power of Attorney filed on 02/02/2006
- Specification filed on 02/02/2006
- Claims filed on 02/02/2006
- Abstracts filed on 02/02/2006
- Drawings filed on 02/02/2006
- Paper nucleotide sequence listings filed on 02/02/2006
- Paper Computer Listings filed on 02/02/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does

not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - out of four inventors only two signed decl.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,941	PCT/US04/23050	119160058PCUS02

DOCKETED WO 2/15/06 11:57 Rec'd PCT/PTO 02 FEB 2006 PTO

Please indicate receipt of the below-identified paper

<input checked="" type="checkbox"/> New Application For: UTILITY		Priority Date: 8/7/2003	
<input type="checkbox"/> Fgn priority claimed	Fee Amt: \$ 2,790	any fee not specified Acct No: 01-2508/1916.0058.PCUS04	
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	<input type="checkbox"/> CPA
<input type="checkbox"/> Specification:	Pages 10/56/94	<input type="checkbox"/> Drawings:	<input type="checkbox"/> Sheets
<input type="checkbox"/> Response to Office Action Dated:	10/56/94	<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: §371 Transmittal; 2 Declarations; Assignment Coversheet/2 Assignments; Power of Attorney; Preliminary Amendment & Priority Claim; Information Disclosure Statement/Form 1449, Sequence Statement/Sequence Listing Paper Copy & Electronic Copy; Copy of WO 2005/017204			
<input checked="" type="checkbox"/> Assignment Enclosed	<input checked="" type="checkbox"/> Cert. of Express Mailing	<input checked="" type="checkbox"/> Exp. Mail:	EV 691725516 US

IDENTIFICATION OF APPLICATION

Serial No.:	Filing Date: February 2, 2006	Responsible Atty: Pat Kammerer
Title: Use of Single Nucleotide Polymorphism in the Coding Region of the Porcine Leptin Receptor Gene to Enhance Pork Production		
Applicant: Kojima et al.		Entered By: Paula Linkhart
Client: Monsanto Technology LLC		Firm File No.: 11916.0058.PCUS04
To PTO VIA US Mail on		Date: February 2, 2006 Due Date: 0